

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROD WHEELER,

Plaintiff,

v.

TWENTY-FIRST CENTURY FOX, INC.,
FOX NEWS NETWORK, LLC, MALIA
ZIMMERMAN, AND ED BUTOWSKY,

Defendants.

Civil Action No. 1:17-cv-05807 (GBD)

**DECLARATION OF JOSEPH M. TERRY IN SUPPORT OF
DEFENDANTS TWENTY-FIRST CENTURY FOX, INC., FOX NEWS
NETWORK, LLC, AND MALIA ZIMMERMAN'S MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM**

I, Joseph M. Terry, hereby declare as follows:

1. I am a partner at the law firm of Williams & Connolly LLP, counsel of record for Defendants Twenty-First Century Fox, Inc. and Fox News Network LLC. I have personal knowledge of the facts set forth in this Declaration, and make this Declaration in support of Defendants Twenty-First Century Fox, Inc., Fox News Network, LLC, and Malia Zimmerman's Motion To Dismiss For Failure to State a Claim.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Contributor Agreement between Rod Wheeler and Fox News Network, LLC for the period of January 1, 2017, through and including December 31, 2018.

3. Attached hereto as Exhibit 2 is a true and correct copy of a May 15, 2017, email from Malia Zimmerman to Rod Wheeler containing a draft of the Fox News online article at issue in this case ("Article").

4. Attached hereto as Exhibit 3 is a true and correct copy of a May 15, 2017, email from Malia Zimmerman to Rod Wheeler containing a revised draft of the Article.

5. Attached hereto as Exhibit 4 is a true and correct copy of a May 15, 2017, email from Malia Zimmerman to Rod Wheeler containing the draft of the Article she turned in to her editors.

6. Attached hereto as Exhibit 5 is a true and correct copy of a transcript made of a news clip posted on fox5dc.com on May 15, 2017. The video is available at <http://www.fox5dc.com/news/local-news/private-investigator-there-is-evidence-seth-rich-contacted-wikileaks-prior-to-death>.

7. Attached hereto as Exhibit 6 is a true and correct copy of a May 15, 2017, online report published by Fox 5, and later updated on May 17, 2017, regarding the Seth Rich murder investigation. Video of an interview embedded in that online report may be viewed at <http://www.fox5dc.com/news/local-news/private-investigator-there-is-evidence-seth-rich-contacted-wikileaks-prior-to-death>.

8. Attached hereto as Exhibit 7 is a true and correct copy of a transcript made of Rod Wheeler's appearance on the Sean Hannity Show on May 16, 2017. Video of the interview is available at <https://www.youtube.com/watch?v=cDdXkxgjdRI>.

9. Attached hereto as Exhibit 8 is a true and correct copy of an article entitled "Detective Rod Wheeler releases statement concerning the Death of DNC staffer Seth Rich," posted on the website Fetch Your News on May 22, 2017.

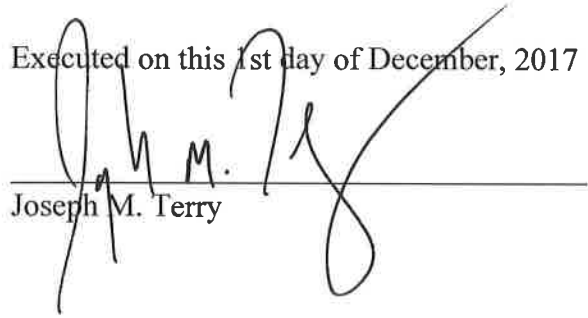
10. Attached hereto as Exhibit 9 is a true and correct copy of an article that appeared on the *New York Times* web site on May 17, 2017, entitled "How the Murder of a D.N.C. Staff Member Fueled Conspiracy Theories."

11. Attached hereto as Exhibit 10 is a true and correct copy of an article that appeared on the NBC News web site on May 19, 2017, entitled "Slain DNC Staffer's Family Orders Blabbing Detective to 'Cease and Desist.'"

12. Attached hereto as Exhibit 11 is a true and correct copy of an article entitled "The Seth Rich Conspiracy Theory Reveals How Fox News Goes About Poisoning America," posted on GQ.com on May 24, 2017.

I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 1st day of December, 2017



Joseph M. Terry